United Nations A/HRC/WG.6/28/JPN/1

General Assembly

Distr.: General
31 August 2017

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-eighth session
6–17 November 2017

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Japan

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GE.17-15204(E)

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I. Process for the preparation of the national report

A. Introduction

1. Upholding the high standards of human rights enshrined and guaranteed in its Constitution, Japan has consolidated its democratic political system and has developed policies for the protection and promotion of human rights and fundamental freedoms as universal values. The Government of Japan (GOJ) welcomes the 3rd cycle of the Universal Periodic Review (UPR) as an opportunity to report the progress status of human rights protection and promotion in Japan.

B. Methodology

2. The GOJ has prepared the Third National Report by Japan for the UPR in line with the guidelines, including resolutions and decisions adopted by the Human Rights Council (A/HRC/RES/16/21 and A/HRC/DEC/17/119) as well as with the 3rd cycle UPR guidance note on national report. The Report focuses on, inter alia, the implementation of the 125 recommendations in the annex which Japan accepted to the follow-up during the 2nd cycle in 2012, and on developments in Japan's human rights situation such as contributions to the international community, including the promotion of women's rights, and initiatives to achieve the Sustainable Development Goals (SDGs). The Report shows the recommendation numbers as subheadings.

C. Follow-ups in Japan (recommendation 169)

3. It is vital for the UPR that each country takes voluntary follow-up action in order to continue further improving its human rights situation. Therefore, giving serious consideration to the outcome of its own UPR session of October 2012, the GOJ, prior to the submission of this Report, translated the outcome documents of the 2nd cycle of the UPR in 2012 containing recommendations and other findings into Japanese and made available on the website of the Ministry of Foreign Affairs (MOFA) to make them well-known to the general public. Further, the GOJ voluntarily published the follow-up status in February 2017.

D. Discussion between organizations and consultation with civil society

4. The preparation of the report has been coordinated by MOFA with the involvement of a number of ministries and agencies, including the following: the Cabinet Secretariat; the Cabinet Office; the Ministry of Internal Affairs and Communications (MIC); the Ministry of Justice (MOJ); the Ministry of Education, Culture, Sports, Science and Technology (MEXT); the Ministry of Health, Labour and Welfare (MHLW); the Ministry of Land, Infrastructure, Transport and Tourism (MLIT); and the National Police Agency (NPA). Furthermore, the GOJ held a dialogue session in which we exchanged views with the public and non-governmental organizations (NGOs) on March 28, 2017 at MOFA. The GOJ also collected opinions on this Report from the public through the MOFA website to engage civil society in this preparation process. To provide information about the dialogue and collect opinions, the GOJ utilized social media, including MOFA's Facebook and Twitter feeds.

5. The GOJ ensures that it offers various opportunities for dialogues with civil society by attending consultations held by private organizations, receiving requests by private organizations regarding the current measures, and holding dialogue and public comment sessions in the course of preparing government reports on the human rights treaties, such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD), and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). The GOJ will continue to attach importance to such dialogues with civil society including NGOs and continue these practices.

II. Follow-up actions in line with UPR recommendations from the previous cycle

6. In line with the resolution adopted by the Human Rights Council (see Paragraph 2), Chaptert II states the status of efforts made by the GOJ and the progress of the follow-up actions regarding especially UPR recommendations from the previous cycle on which the GOJ accepted to follow up.

A. Fully implemented measures

1. Conclusion of human rights treaties and others

7. Japan concluded the International Covenant on Economic, Social and Cultural Rights (hereafter "ICESCR"), and the rights in the covenant are already ensured by the Constitution of Japan and the relevant laws in force in Japan.

8. Japan ratified the Convention on the Rights of Persons with Disabilities (recommendations 1, 2, 16, 17, 18, 19) in January 2014. The convention entered into force in Japan on February 19, 2014.

9. Japan concluded the Hague Convention on the Civil Aspects of International Child Abduction (hereafter "the Hague Convention") (recommendations 27, 28, 30) in January 2014. The Act for the Implementation of the Hague Convention was enforced in April 2014, when the Hague Convention entered into force for Japan. As of July 1, 2017, the Japanese Central Authority (i.e., the MOFA) has received 249 applications for assistance under the Hague Convention.

The Palermo Convention and the Trafficking in Persons Protocol (Recommendations 24, 25, 26)

10. Japan signed the *United Nations Convention against Transnational Organized Crime* (the Palermo Convention) in December 2000 and the Diet approved its conclusion in May 2003. Japan also signed the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime* (Trafficking in Persons Protocol), in December 2002, and the Diet approved its conclusion in June 2005. On July 11, 2017, the bill to fulfill the obligations of the Palermo Convention came into force, thus Japan concluded the Convention and the Protocol and became a State party to them on the same day. Furthermore, human trafficking was criminalized through the amendment of the Penal Code in 2005.

2. Prevention of any forms of discrimination and elimination of any discriminatory provisions (human rights education and training included)

11. Regarding the prevention of any forms of discrimination and the elimination of any discriminatory provisions (recommendations 63 and 65), the Japanese Constitution forbids any irrational discrimination. Article 14, Paragraph 1 of the Constitution states, "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin." Based on this Article, Japan has been making efforts to eliminate all forms of discrimination. In the areas which are highly public and closely related with civil life such as employment, education, medical care and transportation, discriminatory treatment is prohibited by the relevant laws and regulations. Other than such fields, the human rights bodies of the MOJ as well as other related ministries and agencies take measures such as giving guidance and promoting awareness to eliminate all forms of discrimination. (see Chapter II, A, 3 and 4, paragraphs 17-59).

Human rights education and training for public servants (recommendations 114 and 115)

12. In Japan, the GOJ provides the following meticulous human rights training for public servants taking into consideration the rights of women and children, thereby acquiring a full understanding of the principles of international human rights treaties.

13. The MIC provided biannual human rights education sessions for local public officers during FY (Fiscal Year) 2015 and FY2016. The MEXT held a meeting for members of prefectural boards of education in charge of human rights education and other relevant people to help improve human rights education at schools.

14. Police schools provide human rights education for newly employed or promoted police personnel. Police stations and other relevant locations also give their police personnel human rights education on various occasions, including on-the-job training. The police plan to continue these actions.

15. The MOJ provides lectures on human rights that encompass women's and children's rights as part of various training programs for public prosecutors. For officials at correctional institutions, the MOJ provides training on knowledge and skills needed to conduct adequate treatment with respect for human rights. Officials at rehabilitation offices participate in training programs provided according to their number of years of experience. The programs for probation officers include lectures on human rights of crime victims as well as of probationers and parolees, while those for rehabilitation coordinators provide lectures on human rights of crime victims and those under medical treatment and supervision. The Immigration Bureau carries out training courses for relevant officials based on their years of experience, including lectures on human rights, and courses specialized in matters such as measures to combat trafficking in persons and human rights for mid-ranking officials who deal directly with such cases, in cooperation with external instructors from relevant government ministries and agencies, the Office of the United Nations High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM).

16. The MOJ also provides a biannual workshop for national public officers to deepen their understanding and knowledge of human rights issues. Furthermore, it holds a human rights workshop for local public officers working in bureaus responsible for human rights promotional administration three times a year.

3. Rights of specific types of people and groups

17. The human rights bodies of the MOJ provide counseling on a wide range of human rights issues including ones pertaining to women, children and persons with disabilities.

When they become aware of a suspected human rights violation, the bodies investigate without delay and take appropriate measures depending on the case. In addition, the bodies conduct various awareness-raising activities such as holding lectures and workshops and distributing promotional brochures and leaflets to ensure that the rights of women, children and persons with disabilities are respected.

(a) Persons with disabilities (recommendations 86, 87, 88, 153)

18. Japan ratified the CRPD in January 2014. In line with the Basic Act for Persons with Disabilities revised in 2011 based on the spirit of this Convention, the GOJ drew up the Basic Programme for Persons with Disabilities (Third) in 2013 to promote in a comprehensive and systematic manner measures for supporting the independence and social participation of persons with disabilities.

19. The Act for Eliminating Discrimination against Persons with Disabilities was enacted in June 2013 and took effect in April 2016. Administrative organizations and the private businesses sector have been taking relevant actions in accordance with the Act, such as prohibiting unfair discriminatory treatment and providing reasonable accommodation.

20. The human rights bodies of the MOJ have established permanent and ad-hoc human rights counseling centers that provide counseling on human rights issues including discrimination against persons with disabilities. The bodies also conduct various awareness-raising activities to ensure that the rights of persons with disabilities are respected.

21. To ensure hygiene at schools for children with disabilities (recommendation 153), the GOJ sets environmental hygiene standards for schools that should be followed by all schools including schools with special needs. The GOJ also takes such necessary measures as advising school founders to maintain proper environments that meet these standards.

(b) Women (recommendations 33, 62, 66–73, 75–77, 83, 127–130, 138, 151, 152)

22. In December 2015, the GOJ formulated the Fourth Basic Plan for Gender Equality, a five year plan, and is striving for the promotion and protection of the human rights of women, gender equality and the promotion of a gender-equal society.

23. Regarding the applicability of the Convention on the Elimination of All Forms of Discrimination against Women to the domestic legal system (recommendation 33), Article 98, Paragraph 2 of the Constitution of Japan states, "The treaties concluded by Japan and established laws of nations shall be faithfully observed." Therefore, the GOJ has enacted and revised domestic laws necessary to comply with the obligations under the Convention, and has implemented related policies. (See Chapter III, C for the World Assembly for Women: WAW!)

Supporting and protecting survivors of violence against women (recommendations 68, 71, 73, 76, 127, 128, 130, 138)

24. The Fourth Basic Plan for Gender Equality deals with "eliminating all forms of violence against women" as one of its focus areas. It specifies that Japan will deal with increasingly diversifying forms of violence against women and make more rigorous efforts to eliminate all types of such violence.

25. The Cabinet Office sets the period from November 12 through November 25 (the UN "International Day for the Elimination of Violence against Women") as the annual "Campaign for Eliminating Violence against Women" period, and through the cooperation of the government, local governments, women's groups and other related organizations, awareness raising activities and initiatives to combat violence against women are further strengthened during this period. To allow foreigners experiencing harm to swiftly access

relief and protection, the Cabinet Office has produced information materials for foreign victims and delivered them to related entities, and published a homepage with information for foreign victims in several foreign languages. Additionally, ongoing initiatives include placing staff who can consult in foreign languages at Spousal Violence Counseling and Support Centers. Furthermore the Cabinet Office sends advisors to municipalities planning to establish a Spousal Violence Counseling and Support Center, and promotes their establishment. Additionally, to build up a system that allows victims of sexual crimes and others to report their cases without hesitation and safely receive consultation and support, training is provided to civil servants supporting sexual crime victims and others at local governments, and support staff at support organizations for sexual crime victims and others.

26. To harshly deal with sex crimes, the Penal Code was amended in June 2017. Before the amendment, the offense of rape, which imposes heavier statutory penalty than that of forcible indecency, was applied only to vaginal intercourse, and oral intercourse or anal intercourse was punishable only by the offense of forcible indecency. Under the amended Code, oral intercourse and anal intercourse are punishable by the offense of rape. And also the minimum statutory penalty of the offense of rape has been raised to imprisonment for not less than five years.

27. Furthermore, under the amended Code, a prosecutor can indict the sex offender without a complaint by the victim, which eases victim's burden.

28. Via its Victims of Crime Support Line and its offices, the Japan Legal Support Center provides information on legal systems and consultation centers supporting victims of crime and refers to lawyers with experience and knowledge of victim support.

29. The Immigration Bureau has established its own measures regarding cases of domestic violence and when a victim of domestic violence is recognized, the Immigration Bureau makes every effort to protect the victim by making an appropriate response according to their mental and physical condition, bearing in mind that the victim is experiencing harsh conditions, and cooperates with relevant organizations.

30. In Japan, the Anti-Stalking Act was revised to enable the police to take administrative and criminal measures more quickly against perpetrators, and came into force in 2017. The police established the cross-functional system to deal with cases such as domestic violence and stalking with the highest priority to ensure the safety of victims. Furthermore, the police also make efforts to create an environment in which victims can easily get help such as counseling by female personnel. As a result, in 2016, the police handled 69,908 consultation cases and cleared 8,387cases relating to domestic violence, respectively the highest numbers since the Act on the Prevention of Spousal Violence and the Protection of Victims came into force in 2001. In addition, the police make great efforts to facilitate smooth communication with foreign victims by bearing accommodation fees for hotels and other facilities so that victims can take temporary shelter from perpetrators and by providing multi-language materials that explain procedures to ensure their safety.

Wage Gap and Inclusion of Women in Decision-Making Processes (recommendations 151 and 152)

31. To reduce the gender pay gap, it is crucial to create an environment in which women can balance work with family life so that they feel comfortable continuing to pursue their careers. The GOJ will proceed further with the efforts to achieve the following in line with the Intensive Policy to Accelerate the Empowerment of Women 2016: improved working conditions for women in non-regular employment; eliminating long working hours; more people taking childcare leave; better support for parenting, long-term care and housework to reduce to zero the numbers of children on waiting lists for nurseries and the numbers of

women who leave their jobs for long-term care; no harassment in any forms targeted at pregnancy, childbirth, or childcare leave.

32. The Fourth Basic Plan for Gender Equality lays out the goal, "increasing the share of women in leadership positions to at least 30% by 2020 in all fields of society," and the GOJ has set numerical targets to reach that target as a whole by expanding the participation of women in all areas, including politics, the judiciary, the executive branch, and economics through promoting effective positive action, and continues to make efforts based on that plan.

33. The Act on Promotion of Women's Participation and Advancement in the Workplace has been fully enforced since April 2016. This Act mandates the national and local government organizations as well as private businesses with 301 or more employees to draw up and publish action plans that include numerical targets, and to publish information about achievements by women employees.

34. By encouraging these entities to "visualize" women's achievements through the publication of the information on their websites in accordance with the Act, the GOJ aims to urge these organizations and businesses to actively take the initiative in helping women work in a wider range of fields in society.

(c) Children (recommendations 38, 41, 60, 62, 78–82, 139–142, 154)

35. The human rights bodies of the MOJ have established permanent and ad-hoc human rights counseling centers across the country that provide counseling on human rights issues. The bodies have enhanced counseling systems for children in particular, such as setting up the toll-free "Children's Rights Hotline" counseling call service, distributing "Children's Rights SOS Mini Letters"[1] to children in elementary and junior high schools across the country, and establishing "Children's Rights SOS E-mail," which is an Internet-based human rights counseling service. The bodies also conduct various awareness-raising activities to ensure that the rights of children are respected.

36. Regarding criminalizing the possession of child pornographic materials (recommendations 41 and 82), the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children was revised on June 18, 2014 to criminalize the possession of child pornography for the purpose of satisfying personal sexual curiosity with a penalty of up to one year of imprisonment or a fine of up to ¥1,000,000. The Act came into effect on July 15, 2015, and the police made 73 arrests for the possession of child pornography for personal sexual purposes by the end of 2016.

37. To deal with sexual exploitation of children (recommendations 139, 140, 141, 142), the GOJ drew up the Basic Plan on Measures against Child Sexual Exploitation in April 2017 to combat sexual exploitation of children, child pornography and prostitution. The Basic Plan includes measures to provide child victims of these crimes with prompt protection and proper support. In line with this Plan, the relevant ministries and agencies work with institutions and organizations dealing with these issues to create an environment in which child victims of the crimes feel safe to seek help, and to provide continuous support for these child victims. The police provide continuous support to child victims through counseling by personnel who get advice from specialists such as psychiatrists. Furthermore, the police have strengthened crackdowns on crimes related to sexual

[1] Children's Rights SOS Mini Letters: pre-stamped and addressed sealable postcards on which children can write any concerns they may have. The letters are sent to a Legal Affairs Bureau or District Legal Affairs Bureau which then contacts the sender upon receipt.

exploitation of children, which resulted in what was the highest number yet of 2,097 cleared cases relating to child pornography as well as 809 cleared cases for child prostitution in 2016. Moreover, the police have actively taken measures such as quick requests to webmasters for deletion to prevent distribution and browsing of child pornography. Prosecutors impose severe punishments for crimes related to sexual exploitation of children in accordance with applicable laws and regulations. Furthermore, in response to inquiries from victims, the Japan Legal Support Center provides information on legal systems and consultation centers supporting victims in multiple languages regardless of nationality etc. The MEXT provides training on how to offer psychological support for children who have suffered abuse, including sexual abuse, for teachers and staff at elementary schools and junior and senior high schools.

38. Under the amended Penal Code, the offense of indecency by guardian and the offense of sexual intercourse by guardian have been newly established. When a guardian takes advantage of his/her influence over a child who is under 18 years of age, and commits an indecent act upon or sexual intercourse with the child, the offenses can be punished in the same manner as rape or forcible indecency, even if he/she does not use violence or threat.

39. Moreover before the amendment of the Code, victim of rape was limited to female, and male could only be a victim of forcible indecency. Under the amended Code, such gender requirement is eliminated. Therefore, a person who commits sexual intercourse (including oral intercourse or anal intercourse) with a boy can be punished by the offense of rape.

40. Appropriate education on reproductive and sexual health education in schools (recommendation 154) is provided as part of schools' overall educational activities, considering the children's developmental stages. Schools prepare and distribute educational materials that comprehensively illustrate health issues for students, including sexually transmitted diseases, pregnancy, and childbearing.

41. In connection with the efforts to review the systems applicable to children born out of wedlock (recommendations 38, 78, 79, 80, 81), after the Japanese Supreme Court's decision in September 2013, the civil law was partially revised in December of the same year so that the statutory shares in inheritance for children born out of wedlock were made equal to those for children born in wedlock. The conditions for acquiring Japanese nationality/citizenship at birth are provided in Article 2 of the Nationality Act of Japan; the conditions for acquiring Japanese nationality/citizenship through registration are provided in Article 3 and Article 17 paragraph 1 and paragraph 2 of the same Act; and the conditions for acquiring Japanese nationality/citizenship by naturalization are provided in Article 4 of the same Act, and Article 5 provides minimum conditions for naturalization. In any of the cases above, there is no discrimination between children born in wedlock and children born out of wedlock in the application of the aforementioned conditions. Articles 25 and 49 of the Family Register Act of Japan stipulate the registration of birth of a child, and these provisions do not discriminate against children based on the fact that they were born out of wedlock or based on their parents' status of residence.

(d) Measures to combat trafficking in persons (recommendations 131, 133–137)

42. The GOJ formulated *Japan's 2014 Action Plan to Combat Trafficking in Persons* in December 2014. In line with the Action Plan, relevant administrative bodies work closely by, among others, holding *the Council for the Promotion of Measures to Combat Trafficking in Persons* comprised of Cabinet Ministers of relevant ministries. Also, by strengthening cooperation with relevant foreign institutions, international organizations and NGOs, the GOJ promotes prevention, eradication and proper victim protection of trafficking in persons.

43. The GOJ provides repatriation assistance through the IOM for foreign trafficking victims identified in Japan. Furthermore, with help from the victims' countries of origin, Japan also provides social reintegration assistance for these victims after their repatriation, in order to support their independence and to prevent them from falling victims again.

44. The Cabinet Office is conducting various awareness raising activities on human trafficking and has produced human trafficking awareness posters and leaflets, and provided them to local governments, airports, seaports, the Japan Association of Travel Agents, the IOM, and other relevant organizations.

45. The MHLW runs women's consulting offices that work with relevant organizations to protect women survivors of human trafficking regardless of nationality and age. Through these offices, MHLW provides food, clothing and shelter, full security, and support in receiving legal assistance, while taking their religions, diets, and health into consideration.

46. The police operate a hotline to receive anonymous reports on human trafficking-related crimes so that they can provide early protection for victims of human trafficking. They also actively exchange information with the investigating authorities in countries from which victims of human trafficking are traded, and provide investigative assistance at the request of foreign countries through ICPO-INTERPOL. The police further prepare multi-language leaflets urging victims to report such crimes to the police or relevant authorities, and place them in locations where victims can easily find them. Additionally, the NPA holds a communication meeting once a year to exchange opinions and information with contact points dealing with the issue of human trafficking such as embassies in Tokyo, international organizations, and NGOs.

47. In response to inquiries from victims, the Japan Legal Support Center provides information on legal systems and consultation centers supporting victims in multiple languages regardless of nationality etc. For victims who are not financially capable the Center also provides assistance, including an advance payment of attorney's fees needed for litigation.

48. The Immigration Control and Refugee Recognition Act excludes victims of human trafficking from forced deportation due to unlicensed activities and prostitution. Additionally, appropriate protection has been established by providing in the Act that the victims of human trafficking residing illegally in Japan, for example by overstaying, are eligible for Special Permission to Stay in Japan according to the law, with the aim of stabilizing their legal position.

49. The human rights bodies of the MOJ launched a system to provide human trafficking victims with temporary accommodation as an emergency refuge.

(c) Other

50. Under the amended Penal Code, oral intercourse and anal intercourse are punishable by the offense of rape, which impose heavier statutory penalty than that of forcible indecency. Moreover the gender requirement for a victim of rape is eliminated, and male can also be a victim of rape. As a matter of course, a person who forcibly commits sexual intercourse with sexual minorities shall be punished by the offense of rape.

4. Support for minorities (recommendation 161), racial discrimination, migrants, and refugees (recommendations 34, 35, 36, 64, 65, 84, 92, 162–166)

51. In connection with prohibiting all forms of direct or indirect racial discrimination (recommendations 35 and 64), in areas of a highly public nature, discrimination is prohibited by the relevant laws and regulations. As stated in Chapter II, A, 2, Article 14, Paragraph 1 of the Constitution, irrational discrimination is prohibited.

52. The human rights bodies of the MOJ conduct various awareness-raising activities such as posting banner ads and distributing promotional brochures and leaflets to ensure that the rights of foreign nationals and the Ainu who are indigenous people in Japan are respected.

53. The GOJ is undertaking measures that strive for the promotion of Ainu culture, the diffusion and awareness-raising of Ainu traditional knowledge, and the improvement of the lives of the Ainu people. The GOJ is also pursuing a comprehensive Ainu policy by holding the "Council for Ainu Policy Promotion" chaired by the Chief Cabinet Secretary.

54. Based on the Act on the Promotion of the Elimination of Buraku Discrimination coming into force in December 2016, the GOJ plans to enhance the counseling system, provide education and raise awareness to facilitate the elimination of discrimination related to Dowa issues (Buraku discrimination).

55. The Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan coming into force in June 2016 declares that unfair discriminatory speech and behavior against persons originating from outside Japan should not be tolerated. The Act aims to specify the basic principles, clarify the national government's responsibilities and set out and promote basic measures relating to efforts to eliminate such discriminatory speech and behavior.

56. The GOJ recognizes that a racially discriminatory motive is proven to be a vicious motive accordingly in the criminal trials in Japan and that the court takes this into consideration in sentencing. The human rights bodies of the MOJ provide counseling on a wide range of human rights issues including racial discrimination and discrimination based on sexual orientation. When they become aware of a suspected human rights violation, the bodies investigate without delay and take appropriate measures depending on the case. In addition, the bodies conduct various awareness-raising activities.

57. The human rights bodies of the MOJ provide human rights counseling, investigation and resolution of human rights violation cases. With regard to human rights counseling for foreign nationals, in order to provide counseling in six languages including English and Chinese, the bodies have established the "Foreign Language Human Rights Hotline" available nationwide, and have expanded the number of "Human Rights Counseling Centers for Foreigners" with interpretation services to 50 across the country. Furthermore, the bodies conduct various awareness-raising activities such as holding lectures and workshops, and distributing promotional brochures and leaflets to spread the concept of respect for human rights.

58. The MHLW designates June each year as "Foreign Workers Awareness Month". During the month, MHLW launches intensive awareness-raising activities to impart knowledge about the issues regarding proper employment of foreign workers to businesses and the public.

59. Regarding education and health of immigrants (recommendation 165), Japan's public compulsory education schools are open to foreign children at no cost, thereby guaranteeing opportunities for these children to receive the same education that Japanese children receive. In addition, just as for Japanese children, foreign children can also enroll in nursery schools if the necessity is recognized, which means they have access to daycare. Foreign nationals who have relocated from overseas are covered by the national health insurance if they have a status of residence that allows them to stay in Japan for more than three months, if they have physical addresses, and if there are no conditions that would preclude them from receiving insurance (e.g., they are enrolled in other health insurance programs). Those who are working for companies and meet eligibility requirements are covered by social insurance. Foreign nationals not enrolled in any health insurance program are entitled to health checkups in accordance with the Health Promotion Act. This means

that they have access to medical examinations to maintain their health, regardless of their legal status.

5. Other

Protection measures against human rights violations on the Internet (recommendation 149)

60. When the human rights bodies of the MOJ are asked for counseling on information on the Internet that may violate the consulter's rights, the bodies advise the consulter on how to request the deletion of the information. The bodies also take appropriate measures such as requesting an Internet service provider to delete information when the information is recognized as defamation or an invasion of privacy and thus as a human rights violation through an investigation. On the other hand, the MIC defines requirements for exemption from providers' liability in such a law as the Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders (the Provider Liability Limitation Law). MIC also participates as an observer in the process of creating and updating guidelines and models of terms of service for users by the private sector. These efforts are to facilitate proper voluntary removal of illegal and/or harmful information by Internet service providers.

Freedom of religion (recommendation 150)

61. Articles 19, 20 and 21, Paragraph 1 of the Constitution of Japan stipulate freedom of thought and conscience, freedom of religion, and freedom of expression, respectively. Furthermore, Article 14 of the Constitution prohibits discrimination based on thought and creeds, thereby guaranteeing freedom of religion. Article 20, Paragraph 2 of the Constitution also stipulates, "No person shall be compelled to take part in any religious act, celebration, rite or practice," and Paragraphs 1 and 3 of the same Article specify the non-religious nature of the State and prohibit religious activities by the State and its organs.

62. Statements concerning recommendations 132 and 155 (the Special Rapporteur), 172 (ODA), 173 (disaster reduction), and 174 (international cooperation) are included in Chapter III.

B. Measures partially implemented

Comprehensive legal measures pertaining to children's rights (recommendation 39)

63. The GOJ ensures that any conventions and treaties, when it concludes, will be consistent with the domestic law systems. While the Convention on the Rights of the Child stipulates a wide range of rights and other matters, many of these rights and matters are specified in international conventions on human rights that Japan has already concluded, and they are also guaranteed by the Constitution of Japan and other existing national legislation. Hence, the GOJ believes that the country already has adequate legislation necessary to implement the Convention. Furthermore, to help children fully develop well-balanced personalities so that they will lead their lives as well-rounded individuals in the world, it is vital to actually provide enhanced child protection and welfare in addition to introducing legislation for that purpose. The GOJ will continue to take measures to effectively achieve these goals and make further efforts toward improvement.

Expressly prohibit corporal punishment in all settings (recommendation 126)

64. While the meaning of "corporal punishment" is not absolutely clear, the acts of assault (Penal Code Article 208) or injury (Penal Code Article 204) can be punished.

Awarding grant-type scholarships (recommendation 157)

65. To award grant-type scholarships to university students and provide tuition waiver/reduction opportunities, the following were included as the FY2017 budget was compiled: foundation of a grant-type scholarship scheme; increase in lenders of interest-free scholarship loans; elimination of virtually all academic requirements for interest-free scholarship loans available to students from low-income households; and introduction of the new Scholarship Loans with Income-based Repayments System. Although the grant-type scholarship scheme will begin to operate fully in FY2018, it will come partially into operation during FY2017. In addition, the GOJ will continue to improve its support for universities in their tuition waiver and reduction programs.

Revising Civil Code to raise the marriage age for women (recommendations 42, 43, 74)

66. In February 1996, the Legislative Council of the MOJ, which serves as the advisory committee to the Minister of Justice, submitted a report on the revision of the Civil Code that includes introducing the option for spouses to not change their surnames. The Fourth Basic Plan for Gender Equality, which was endorsed by the Cabinet in December 2015, also states that the dual-surname system for each spouse to choose their legal name should be considered, taking judicial rulings into account. Currently, the contents of the aforementioned report are available on the website to encourage the public to have in-depth discussions. Regarding the law that barred women from remarrying within six months of a divorce, a revision to the Civil Code was brought into force in June 2016 to reduce the six-month period to 100 days and to specify the cases in which women can marry before the period is up.

67. Regarding the marriage age for women, the Legislative Council submitted a report in October 2009 stating that the marriage age for both men and women should be 18 years old should the legal age of adulthood be lowered to 18. The GOJ is considering making legislative changes that encompass lowering the legal age of adulthood under the Civil Code.

Direct prohibition of racist and xenophobic statements and ensuring access to means of defense (recommendation 37)

68. The Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan coming into force in June 2016 declares that unfair discriminatory speech and behavior against persons originating from outside Japan should not be tolerated. The Act aims to specify the basic principles, clarify the national government's responsibilities and set out and promote basic measures relating to efforts to eliminate such discriminatory speech and behavior.

The International Criminal Court (ICC) (recommendation 45)

69. In 2007, Japan enacted the "Act on Cooperation with the International Criminal Court," with which Japan can fully implement the obligations under the Rome Statute of the International Criminal Court.

70. The statement concerning recommendation 169 (follow-ups in Japan) is included in Chapter I, and those concerning recommendations 170 (contributions) and 171 (ODA) in Chapter III.

C. Other measures

1. Rights of specific types of people and groups

Refining the structure of domestic legislation and other measures in the field of human rights (recommendation 31)

71. Japan has conducted an appropriate review of the framework for a human rights remedy system incorporating the discussions made thus far.

Establishing a national human rights institution and human rights commission (recommendations 47–51, 53–59)

72. The GOJ submitted the Human Rights Commission Bill for the establishment of a human rights institution to the 181st National Diet Session in November 2012. The Bill was scrapped, however, due to the dissolution of the House of Representatives in the same month. Japan has conducted an appropriate review of the framework for a human rights remedy system incorporating the discussions made thus far.

73. Meanwhile, the Human Rights Bureau has been established in the MOJ as an administrative body engaging in the protection of human rights and as its subordinate organs, the Human Rights Department of the Legal Affairs Bureau (8 locations nationwide), the Human Rights Division of the District Legal Affairs Bureau (42 locations nationwide), and their branches (261, as of April 2017) have been established heretofore.

74. Moreover, the MOJ engages in human rights protection activities such as awareness-raising, counseling and remedy activities in corporation with about 14,000 Human Rights Volunteers who are private citizens appointed by the Minister of Justice.

75. The human rights bodies of the MOJ provide a wide range of human rights counseling at the 311 offices (as of April, 2017) of the Legal Affairs Bureau, the District Legal Affairs Bureau and their branches across the country, and the number of counseling cases was 225,073 in 2016. The bodies also engage in human rights remedy activities from a fair and neutral standpoint, and dealt with 19,443 cases in 2016.

Medical expenses that persons with disabilities need to cover (recommendation 156)

76. The GOJ will continue to identify their needs and provide follow-ups.

Implementing recommendations related to minority women given by the Committee on the Elimination of Discrimination against Women (CEDAW) (recommendation 160)

77. In the Fourth Basic Plan for Gender Equality, the GOJ acknowledges the importance of "actions taken for women facing multiple difficulties due to their gender." The Basic Plan states, "the government obtains information wherever possible about cases in which women face multiple difficulties due to their gender, promotes education and awareness-raising activities on human rights, and proceeds with efforts to investigate suspected cases of human rights violations and help victims."

Adopting a national action plan for children (recommendation 61)

78. The GOJ compiled various measures taken to ensure all children's rights stipulated in the Convention on the Rights of the Child into a national report and submitted it.

Integration of LGBT individuals and elimination of discriminatory treatment on the grounds of sexual orientation (recommendation 99)

79. In Japan, the "Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorders" came into effect in July 2004, and a revision made in 2008 relaxed the conditions necessary to change gender on the family register. The human rights bodies of the MOJ have established permanent and ad-hoc human rights counseling centers that provide counselling on a wide range of human rights issues including discrimination on the grounds of sexual orientation and gender identity. The bodies also conduct various awareness-raising activities to ensure that the rights of sexual minorities are respected. In the international context, on the basis of Japan's belief that human rights violations based on sexual orientation and gender identity should not be tolerated, Japan continues to present its views on this agenda and explain the social circumstances in Japan at various intergovernmental fora.

Entry requirements for foreign nationals (recommendation 167)

80. Entry requirements for foreign nationals are a matter of national sovereignty. The GOJ continues to explore necessary measures, while giving adequate consideration to their impact on the vibrancy of Japan's economy and society and on the safety and comfort of the daily lives of nationals, among other matters.

Amending the Immigration Control Act in relation to deportation (recommendation 48)

81. The GOJ takes the stance as recorded in the report of the Working Group on the UPR of Japan (A/HRC/22/14) (Paragraph 143). The Immigration Control Act stipulates that the Government must immediately deport foreign nationals to whom the written deportation order has been issued. Therefore, the GOJ is striving to deport these foreign nationals as soon as possible in accordance with the Act and is working on reducing long-term detention.

"The right to development" (recommendation 168)

82. The GOJ regards "the right to development" as human rights of individuals. Japan will continue to engage in discussions about this right to ensure that they are based on consensus.

2. Individual communications procedures (recommendations 3, 4, 5, 12, 13, 15)

83. The First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), the Optional Protocol to the CEDAW and others stipulate the individual communications procedure. The GOJ considers the procedure to be noteworthy in a sense that it could effectively guarantee the implementation of Human Rights Treaties. At the same time, consideration has been given to questions such as whether there are any problems in relation to Japan's judicial system and legislative policy, and the kind of system that would need to be established for implementation of the individual communications procedure in the case where Japan accepts it based on further discussion among the relevant ministries. In April 2010, the GOJ launched the Division for Implementation of Human Rights Treaties in the MOFA. In August 2016, the relevant ministries and agencies had their 19th workshop to discuss the individual communications procedure. The GOJ will continue to engage in the discussion on this matter, while taking various opinions into account.

3. Conclusion of conventions and optional protocols

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) (recommendations 8, 9, 10)

84. The GOJ is considering the practical aspects of what "inspection" and other elements should consist of, and how the terms of Optional Protocol would relate to domestic laws and others, and therefore will continue considering this protocol.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (recommendations 19, 20, 21, 22, 23)

85. The GOJ recognizes the need for serious and thorough consideration of the Convention from the perspective of the principle of equality and Japan's various domestic systems among others.

The ILO Convention 189 (recommendation 23)

86. Unlike other countries, the number of housekeepers (domestic workers) in Japan is small and has been on the decrease, and entry into Japan to work as housekeepers (domestic workers) is not permitted. Furthermore, some of the housekeepers (domestic workers) in Japan are not covered by the Labor Standards Act. In regard to the ratification of the ILO Convention No.189, it is necessary to make a careful consideration in light of the actual situation in Japan.

4. Reservations to conventions and others (recommendations 1 and 3)

87. With regard to the reservation of Article 7 (d) of ICESCR, taking into account the lack of societal consensus for the payment of wages on public holidays, the GOJ considers it appropriate to leave the matter of payment of remuneration on public holidays to an agreement between labor and management.

88. ICESCR Article 8 provides the right to organized labor strikes under the provision of 1 (d). Taking into account that no agreement would be possible between the laws and ordinances of Japan and the provision of Article 8 paragraph 2 that no hindrance shall be placed upon the lawful limitation of the sphere of "civil servants", which would be affected by the limitation, Japan reserves the right not to be restricted by the provision of 1(d). However, some sectors would still have the right to strike if they were already given the right under Japanese law at the time of the ratification of the convention.

89. Concerning the reservation regarding the International Convention on the Elimination of All Forms of Racial Discrimination Article 4(a)(b), the GOJ does not believe that, in Japan today, racist thoughts are disseminated and racial discrimination is incited to the extent that the withdrawal of its reservations and legislation to impose punishment against dissemination of racist thoughts and other acts should be considered even at the risk of unduly stifling legitimate speech.

90. Concerning the reservation regarding the Convention on the Rights of the Child Article 37 (c), under the Juvenile Act of Japan, persons under 20 years of age are treated as "juveniles", and this applies to persons deprived of liberty as well. Persons who are under 20 years of age (so called "juveniles") are, in principle, separated from persons who are 20 years of age or over (adults). This measure can be regarded as one step further advanced than the provision of this Convention under which a person under 18 years of age is to receive careful protection as a "child", since the Japanese system includes persons even up until under 20 years of age among those who are subject to protection. This conforms to the aim and objective of the provisions of Article 37 (c), namely, to protect young people from harmful influence by separating them from older persons.

III. Status of implementation of voluntary pledges

A. Cooperation for the United Nations

91. The GOJ has actively contributed to activities by the Human Rights Council and the Third Committee of the United Nations (UN) General Assembly through various opportunities, including the UPR, to improve human rights situations of various countries and regions and to find solutions related to human rights issues. Since the establishment of the UN Human Rights Council in 2006, Japan served as a Council member from 2006 to 2011 and from 2013 to 2015, helping shape opinions in the international community by making active contributions to the Council's discussions and the adoption of its key resolutions. It also has taken the lead in the adoption of the Resolution on the Elimination of Discrimination against Persons Affected by Leprosy and their Family Members and the follow-up resolution. Japan serves again as a Council member for three years from January 2017, and intends to continue making active contributions to the Human Rights Council.

Special procedures (recommendations 132 and 155)

92. The GOJ values the principles of dialogue and cooperation in the process of human rights diplomacy, and thus it attaches importance to the roles of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the special procedures. Since the UPR in 2012, Japan has received visits by the Special Rapporteurs on the right to health, on the sale of children, child prostitution and child pornography, on the freedom of opinion and expression, and on the situation of human rights in the Democratic People's Republic of Korea. Japan will continue to offer its full cooperation to OHCHR and the special procedures, to ensure meaningful and constructive dialogues.

93. To prepare for a visit to Japan by the Special Rapporteur on the right to health (recommendation 155), the GOJ facilitated his visit. During his stay, he had meetings with Japanese government officials, survivors and evacuees of the Great East Japan Earthquake, and citizens' groups. The GOJ also provides financial and technical assistance to Fukushima Prefecture. For example, it contributed a grant of ¥78.2 billion to the Fukushima Residents Health Management Fund set up by Fukushima Prefecture to help Fukushima residents manage their mid- and long-term health.

Examination by the treaty bodies

94. The GOJ has been committed to the sincere implementation of the human rights treaties it has concluded, including the submission of government reports and related examinations. After the UPR in 2012, the GOJ submitted its government reports on five conventions (i.e., CEDAW, CRC, ICERD, ICPPED, and CRPD), and was reviewed on five conventions (i.e., ICESCR, ICCPR, CEDAW, ICERD, and CAT). Japan will continue to duly follow up on the recommendations it has received from these human rights treaty bodies in order to strengthen its cooperation with the human rights treaty bodies and its commitments pertaining to the implementation of these human rights treaties.

B. Contribution to the international community

Bilateral dialogues (recommendation 174)

95. The GOJ, recognizing the importance of dialogue and cooperation based on the principle of mutual understanding and respect, has held regular bilateral dialogues and consultations on human rights with the governments of more than 10 countries and the regional economic integration organization, including Myanmar, Cambodia, Iran, and the

EU. The GOJ will continue to hold these dialogues on human rights with various countries, and contribute to each country's efforts to solve human rights issues by sharing best practices and other means.

Development cooperation (recommendations 170, 171, 172, 173, 174)

96. The GOJ established the Development Cooperation Charter in February 2015. The Charter states that Japan assists in building the foundations and driving force of economic growth, such as industrial infrastructure, industrial development, human resource development, and employment creation, as well as in efforts to help people maintain their basic human needs, giving adequate consideration to the importance of human and social development. With regard to human rights, the Charter mentions "the consolidation of democratization, the rule of law and the protection of basic human rights" as the principles for ensuring the appropriateness of development cooperation. It also emphasizes that Japan will make efforts needed to reinforce the foundation for providing development cooperation, while being mindful of the internationally-agreed target of increasing ODA to 0.7 percent of gross national income (GNI).

97. Japan pledged and implemented $978.02 million of ODA for healthcare in 2014, and $3 billion for women's empowerment (including the area of health, education and agriculture) over the three years starting from 2013. It has also pledged and is steadily implementing more than ¥42 billion of ODA to improve access for women and girls to quality education over the three years starting from 2015. In 2016, the GOJ launched the Development Strategy for Gender Equality and Women's Empowerment as one of its thematic policies based on the Development Cooperation Charter. At the Third World Assembly for Women (WAW!) held in December of the same year, the GOJ announced its plan to implement over US$3 billion in total assistance for women in developing countries over the three years until 2018, and has been steadily implementing this commitment.

98. In the area of disaster risk reduction, Japan hosted the Third World Conference on Disaster Risk Reduction in March 2015, and took the lead in the adoption of the Sendai Framework for Disaster Risk Reduction. The GOJ launched the Sendai Cooperation Initiative for Disaster Risk Reduction and announced aid of $4 billion and development of 40,000 people of human resources over the next four years. Furthermore, Japan also took the lead in the adoption of the resolution of the United Nations General Assembly that designated the World Tsunami Awareness Day. As a follow-up, the GOJ organized the High School Students Summit on "World Tsunami Awareness Day" in Kuroshio in 2016, and launched efforts that include disaster risk reduction drills across the world.

99. As part of its assistance for governance, Japan actively contributes to assistance for legal and judicial systems, police, and democratization (e.g., providing electoral assistance, capacity building of parliaments and the media).

100. Japan actively collaborates with and contributes to the activities of relevant international organizations working to protect and promote human rights (e.g., OHCHR, UNHCR, UNDP, UNICEF, UN Women). Japan will continue to support these organizations, while trying to reflect its policies in the use of budgets, including through voluntary contributions.

C. Hosting WAW! (World Assembly for Women)

101. As part of its efforts toward "a society where women shine," the GOJ hosted the World Assembly for Women (WAW!) three times (2014, 2015, 2016) to facilitate discussion toward women's empowerment and gender equality.

102. The GOJ hosted the Third World Assembly for Women (WAW!) in Tokyo on December 13 and 14, 2016. Ninety-three leaders in the field of women's empowerment participated in the discussion in the presence of 800 participants. With "WAW! for Action" as the main topic, the discussion proceeded around moves toward women's empowerment and gender equality in Japan and overseas, such as the full enforcement of the Act on Promotion of Women's Participation and Advancement in the Workplace and the adoption of the SDGs. A public forum was held on the 13th and five roundtable discussions were held on the 14th. The roundtables dealt with developing the capacity of women and promoting their active role in science, technology, engineering and mathematics (STEM), promoting women's leadership, work-life management, women's health, and participation and empowerment of women in peace and security. Special sessions were also held on the same day to discuss women's participation and advancement in local communities and how to achieve a gender equal society among younger generations. Ideas and suggestions from participants were compiled into a document titled "WAW! To Do 2016" and published as a UN document (A/71/829).

103. The approximately four-month period before and after WAW! (October 1, 2016–January 31, 2017) was designated as "Shine Weeks", during which official side events were held both inside and outside Japan.

IV. Progress and challenges in addressing new and emerging issues (Efforts to achieve the SDGs)

104. Japan chaired the G7 Ise-Shima Summit, which was the first summit held after the SDGs were set. At the summit, the G7 members confirmed their commitment to their efforts to achieve the SDGs as their priority in development cooperation. To take leadership as the chair of the G7 summit, the GOJ set up the SDGs Promotion Headquarters headed by the Prime Minister and consisting of all cabinet ministers in May 2016. At the Headquarters' first meeting it was decided to develop guiding principles that Japan would follow while working toward the SDGs. A pledge was also made to provide about $1.1 billion for international health organizations as a new contribution to help achieve the SDGs for global health.

105. Given the decision to develop guiding principles, the SDGs Promotion Headquarters hosted the SDGs Promotion Roundtable Meeting attended by a wide range of experts and stakeholders such as NGOs, the private sector, and international organizations. The meeting was held in September and November 2016. The Headquarters also organized public comments to exchange views and opinions with a broad range of stakeholders. As a result, at the time of the Headquarters' second meeting held in December of the same year, the SDGs Implementation Guiding Principles were finalized and compiled into a document that consists of the written Principles and the Annex.

106. The Implementation Guiding Principles state the vision, "Become a leader toward a future where economic, social and environmental improvements are attained in an integrated, sustainable and resilient manner while leaving no one behind." The document also specifies the five principles for implementation and what follow-ups entail. The Principles also adjust the goals of the SDGs to contexts in Japan to show the pillars of efforts on which Japan should particularly focus, and list eight priority areas such as "Empowerment of All People" and "Achievement of Good Health and Longevity." The Annex includes 140 measures in Japan and overseas suggested by relevant ministries and agencies as specific actions urged for these eight priority areas.

107. Specific initiatives to achieve the SDGs in relation to the finalized Implementation Guiding Principles were announced at the Headquarters' second meeting. The initiative for

global health is to provide a total of about $400 million for international health organizations to fight infectious diseases including polio, to strengthen health systems, and to support actions for women's health. Furthermore, to support refugees and countries accepting refugees, a new pledge to actively draw on Japan's experience and capacity for more qualitative and quantitative improvements on the initiatives in this field was announced together with its plan to provide about $500 million in aid as a new contribution. As for women's empowerment in developing countries, a total of about US $3 billion by 2018 for the focus areas, namely the promotion of women's rights, improving an enabling environment for women and girls to reach their full potentials, and advancement of women's leadership were announced.

108. The GOJ will cooperate closely with relevant ministries and agencies to work with stakeholders in all areas in accordance with the SDGs Implementation Principles, thereby playing a leading role in efforts by the international community to achieve the SDGs.